IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 378 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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STATE OF GUJARAT

Versus

SANTOSH RADHESHYAM TIVARI

Appearance:

1. Criminal Revision Application No. 378 of 2000

MS HARSHA DEVANI, APP, for Petitioner.

MR FB BRAHMBHATT for Respondent No. 1

MR MAHENDRA K PATEL for Respondent No. 2

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 18/09/2001

ORAL JUDGEMENT

1. By this revision application, the State of Gujarat has sought indulgence of this Court in exercise of powers under Section 397 of the Code of Criminal Procedure against the order discharging the respondents

from charges levelled against them in Sessions Case No.8 of 2000, pending before the learned Additional Sessions Judge, Kutch, at Gandhidham. The said order came to be passed by the learned Additional Sessions Judge on the 15th July, 2000.

2. The respondents were alleged to have been involved in an offence registered vide C.R. No.39 of 1999 with Gandhidham Police Station for offences punishable under Sections 394 and 504 read with Section 34 of the Indian Penal Code and Section 25(1)(B)(a) of the Arms Act.

3. This Court has gone through the impugned order in question. Learned Additional Public Prosecutor, despite all efforts, could not indicate any error committed by the learned Additional Sessions Judge while passing the impugned order. She could not indicate sufficient material to even prima facie implicate the present respondents in the offences they are charged with. Under the circumstances, this revision cannot be entertained. Rule is discharged.

[A.L. DAVE, J.]

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